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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,823	11/04/2003	James O. Smith JR.	CDR-02-011	4446

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EXAMINER

CHAN, WING F

ART UNIT PAPER NUMBER

2643

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/699,823	Applicant(s) SMITH ET AL.	
	Examiner Wing F. Chan	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This Office action is responsive to the amendment filed 2/28/05.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 10, 11, 14-14, 21-24 are rejected under 35 U.S.C.102(e) as being anticipated by Chaturvedi et al (US PAT. 6,950,500 filed 11/28/2000 hereinafter Chaturvedi).

As to claims 1-3, 10, 14-16, 21-23, Chaturvedi discloses a system and method for providing communication services (for the hearing/speech impair persons) as claimed; see all figures, abstract, col. 2 line 49 to col. 9 line 29 for example. Chaturvedi teaches receiving a call request from a hearing-impaired party 12 for establishing a call with a non-impaired party 14 (e.g. col. 6 lines 62-66), identifying a communication assistant 24 (e.g. col. 7 lines 24-25), forwarding the call to the communication assistant (e.g. col. 7 lines 26-31), establishing a link between the hearing-impaired party and the communication assistant, establishing a link to the non-impaired party from the communication assistant (e.g. col. 7 lines 34-44), automatically receiving instant text messages from the hearing-impaired party and translating it to voice messages for

transmitting to the non-impaired party, and receiving voice messages from the non-impaired party and translating it to instant text messages for the hearing-impaired party (e.g. see col. 5 lines 18-22, col. 7 lines 45-59, col. 8 lines 29-32).

As to claims 4, 17, see Chaturvedi Fig. 1 which shows Internet 20.

As to claims 5, 11 see Chaturvedi col. 6 lines 8-18 which discloses transmitting interface screens to the hearing-impaired user to input called telephone number, text of conversation with the communication assistant.

As to claim 24, see Chaturvedi col. 5 lines 18-22 which discloses the communication assistant is automated.

4. Claims 6, 7, 12, 13, 27-33 are rejected under 35 U.S.C.103(a) as being unpatentable over Chaturvedi in view of Kay et al (US PAT. 6,430,602 filed Aug. 22, 2000 hereinafter Kay).

As to claims 6, 12, 27-32, Chaturvedi differs from the claimed invention in not disclosing the interface screen further includes a second area for allowing the hearing-impaired party to select an instant messaging program to communicate with the communication assistant. However, it is old and well known in the art that there is various different instant messaging programs such as AOL Instant Messenger, Microsoft's Network Messenger services or YAHOO, for example see Kay col. 1 lines 43-58. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chaturvedi to include in the interface screen a second area for allowing the hearing-impaired party to select the appropriate instant messaging

program used by the hearing-impaired party in order to communicate with the communication assistant, i.e. to select the instant messaging program from AOL or Microsoft which is currently loaded into the hearing-impaired party's computer, to ensure compatibility and usability.

As to claims 7, 13, see Kay col. 5 lines 11+ or Chaturvedi col. 8 lines 32-34 which discloses the use of an e-mail address (e.g. john@aol) for identifying the instant message user.

As to claim 33, see col. 4 lines 64-66.

5. Claims 8, 9, 18-20, 25, 26 are rejected under 35 U.S.C.103(a) as being unpatentable over Chaturvedi in view of Hamilton (US PAT. 6,801,613 filed Aug. 31, 2000).

As to claims 8, 18, 25, Chaturvedi although discloses the connection to the non-impaired user can be a digital connection (e.g. col. 8 lines 1-3), Chaturvedi differs from the claimed invention in not explicitly disclosing the connection to the non-impaired user is a voice over Internet Protocol (VOIP) link. However, it is old and well known in the art to use voice over Internet Protocol (VOIP) link in ACD systems as an alternative since VOIP link provides cost and bandwidth advantages over traditional PSTN link and VOIP also advantageously provides both data and voice over the same network, for example see Hamilton col. 20 lines 36-58. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chaturvedi's digital link from the communication assistant to the non-impaired user to comprise a voice over Internet

Protocol (VOIP) link to take advantage of the cost and bandwidth advantages over traditional PSTN link.

As to claims 9, 19, 26, the call between the hearing-impaired party, communication assistant and the hearing party is a conference call. Furthermore, Chaturvedi in col. 9 lines 1-20 discloses a conference bridge 48 for making conference calls.

As to claim 20, the examiner takes Official Notice that TDD relay services comprises voice carry over environment and speech-to-speech environment when a communication assistant communicates with the hearing party, and when a speech impaired person is involve the relay call is in a 'HCO' or 'hearing carry over' relay call environment.

6. Claims 1-5, 10, 11, 14-14, 21-24 are rejected under 35 U.S.C.102(e) as being anticipated by Chaturvedi et al (US PAT. 6,950,501 filed 11/28/2000 hereinafter Chaturvedi '501).

As to claims 1-3, 10, 14-16, 21-23, Chaturvedi '501 discloses a system and method for providing communication services (for the hearing/speech impair persons) as claimed; see all figures, abstract, col. 2 line 51 to col. 9 line 32 for example. Chaturvedi '501 teaches receiving a call request from a hearing-impaired party 12 for establishing a call with a non-impaired party 14 (e.g. col. 6 lines 63-66), identifying a communication assistant 22 (e.g. col. 7 lines 10-19), forwarding the call to the communication assistant (e.g. col. 7 lines 10-19), establishing a link between the

hearing-impaired party and the communication assistant, establishing a link to the non-impaired party from the communication assistant (e.g. col. 7 lines 27-53), automatically receiving instant text messages from the hearing-impaired party and translating it to voice messages for transmitting to the non-impaired party, and receiving voice messages from the non-impaired party and translating it to instant text messages for the hearing-impaired party (e.g. see col. 5 lines 37-45, col. 8 lines 22-25).

As to claims 4, 17, see Chaturvedi '501 Fig. 1 which shows Internet 20.

As to claims 5, 11 see Chaturvedi '501 col. 6 lines 16-29 which discloses transmitting interface screens to the hearing-impaired user to input called telephone number, text of conversation with the communication assistant.

As to claim 24, see Chaturvedi '501 col. 5 lines 37-45 which discloses the communication assistant is automated.

7. Claims 6, 7, 12, 13, 27-33 are rejected under 35 U.S.C.103(a) as being unpatentable over Chaturvedi '501 in view of Kay et al (US PAT. 6,430,602 filed Aug. 22, 2000 hereinafter Kay).

As to claims 6, 12, 27-32, Chaturvedi '501 differs from the claimed invention in not disclosing the interface screen further includes a second area for allowing the hearing-impaired party to select an instant messaging program to communicate with the communication assistant. However, it is old and well known in the art that there is various different instant messaging programs such as AOL Instant Messenger, Microsoft's Network Messenger services or YAHOO, for example see Kay col. 1 lines

43-58. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chaturvedi '501 to include in the interface screen a second area for allowing the hearing-impaired party to select the appropriate instant messaging program used by the hearing-impaired party in order to communicate with the communication assistant, i.e. to select the instant messaging program from AOL or Microsoft which is currently loaded into the hearing-impaired party's computer, to ensure compatibility and usability.

As to claims 7, 13, see Kay col. 5 lines 11+ or Chaturvedi '501 col. 8 lines 25-27 which discloses the use of an e-mail address (e.g. john@aol) for identifying the instant message user.

As to claim 33, see col. 5 lines 11-13.

8. Claims 8, 9, 18-20, 25, 26 are rejected under 35 U.S.C.103(a) as being unpatentable over Chaturvedi '501 in view of Hamilton (US PAT. 6,801,613 filed Aug. 31, 2000).

As to claims 8, 18, 25, Chaturvedi '501 although discloses the connection to the non-impaired user can be a digital connection (e.g. col. 7 lines 61-63), Chaturvedi '501 differs from the claimed invention in not explicitly disclosing the connection to the non-impaired user is a voice over Internet Protocol (VOIP) link. However, it is old and well known in the art to use voice over Internet Protocol (VOIP) link in ACD systems as an alternative since VOIP link provides cost and bandwidth advantages over traditional PSTN link and VOIP also advantageously provides both data and voice over the same

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network, for example see Hamilton col. 20 lines 36-58. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital link in Chaturvedi '501 between the communication assistant to the non-impaired user to comprise a voice over Internet Protocol (VOIP) link to take advantage of the cost and bandwidth advantages over traditional PSTN link.

As to claims 9, 19, 26, the call between the hearing-impaired party, communication assistant and the hearing party is a conference call. Furthermore, Chaturvedi '501 in col. 8 line 64 to col. 9 line 5 discloses a conference bridge for making conference calls.

As to claim 20, the examiner takes Official Notice that TDD relay services comprises voice carry over environment and speech-to-speech environment when a communication assistant communicates with the hearing party, and when a speech impaired person is involve the relay call is in a 'HCO' or 'hearing carry over' relay call environment.

9. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.


10. In view of the new grounds of rejection this action has not been made final.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wing F. Chan whose telephone number is 571-272-7493. The examiner can normally be reached on Monday to Friday from 9 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Wing F. Chan
Primary Examiner
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12/7/05